

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident 1:	May 29, 2015
Time of Incident 1:	Unknown
Location of Incident 1:	XXXX W. Albion
Date of Incident 2:	October 16, 2017
Time of Incident 2:	2:15 AM
Location of Incident 2:	XXXX W. Albion
Date of COPA Notification:	December 22, 2017
Time of COPA Notification:	4:09 PM

On October 16, 2017 at approximately 2:12 AM, the complainant, Subject 1, was arrested at **XXXX W. Albion Ave.** Subject 1 alleged that the officers performed a search without justification, arrested Subject 1 without justification, and entered Subject 1's home without a warrant. Subject 1 also alleged that officers failed to return \$360 belonging to Subject 1. Subject 1 further reported that these officers had previously harassed and threatened his family on May 29, 2015. After reviewing available evidence, COPA determined that Subject 1's allegations pertaining to the October 16, 2017 incident were all Unfounded or Exonerated. After conducting interviews with witness and accused officers, Subject 1's allegations from May 29, 2015 were Not Sustained for all but Detective A. Subject 1's allegation against Detective A was Unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Former Star #XXXX, Employee ID #XXXX, Date of Appointment: XX/XX/2008, Former Police Officer, Formerly Assigned to the XXX th District, Date of Birth: XX/XX /1983, Male, White ¹
Involved Officer #2:	Officer B, Star #XXXX, Employee ID #XXXX, Date of Appointment: XX/XX/2005, Police Officer, XXX th District, Date of Birth: XX/XX/1978, Male, White

¹ Officer A is no longer a member of the Chicago Police Department as of XX/XX/2018. Officer A left employment with CPD before COPA could serve him with allegations or conduct an interview, as he was on furlough before terminating his employment.

Involved Officer #3:	Officer C, Star #XXXX, Employee ID #XXXX, Date of Appointment: XX/XX/2005, Police Officer, XXX th District, Date of Birth: XX/XX/1975, Male, White
Involved Officer #4	Officer D, Star #XXXX, Employee ID #XXXX Date of Appointment: XX/XX/2006, Detective, Date of Birth: XX/XX/1981, Male, White ²
Subject #1:	Subject 1, Date of Birth: XX/XX/1993, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	<p>1. Engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Civilian 1 and threatening the life of Civilian 2, in violation of Rule 2, Rule 8, and Rule 9.</p> <p>2. Entered Subject 1's home without a warrant, in violation of Rule 2 and Rule 6.</p> <p>3. Arrested Subject 1 without justification, in violation of Rule 6 and Rule 8.</p> <p>4. Searched the residence without justification, in violation of Rule 2 and Rule 6.</p> <p>5. Refused to show a search warrant to Civilian 3, in violation of Rule 2, Rule 6, and Rule 8.</p> <p>6. Failed to return \$360 belonging to Subject 1, in violation of Rule 2 and Rule 6.</p>	<p>Not Sustained</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p>
Officer B ³	1. Engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Civilian 1 and threatening the life of Civilian 2, in violation of Rule 2, Rule 8, and Rule 9.	Not Sustained

² Detective A was a police officer at the time of both incidents alleged by Subject 1.

³ Allegations 2 – 4 against Officer B were not served to the officer, as COPA was able to determine they were all Unfounded or Exonerated prior to interviewing the officer. These allegations are further discussed in the Analysis portion of this report.

	<p>2. Pointed a gun at Subject 1 without justification, in violation of Rule 6 and Rule 9.</p> <p>3. Arrested Subject 1 without justification, in violation of Rule 6 and Rule 8.</p> <p>4. Failed to return \$360 belonging to Subject 1, in violation of Rule 2 and Rule 6.</p>	Unfounded Unfounded Exonerated
Officer C	1. Engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Civilian 1 and threatening the life of Civilian 2, in violation of Rule 2, Rule 8, and Rule 9.	Not Sustained
Detective A	1. Engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Civilian 1 and threatening the life of Civilian 2, in violation of Rule 2, Rule 8, and Rule 9.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
3. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G07-01, Processing Property Under Department Control (Effective Date: April 14, 2015)

Special Orders

1. S04-19, Search Warrants (Effective Date: September 3, 2015)

State Laws

1. Illinois General Assembly Statute 725 ILC 5/108 06, Execution of Search Warrants

2. Illinois General Assembly Statute 725 ILC 5/810 10: Seizure and Forfeiture Reporting Act

United States Constitution

1. Fourth Amendment: guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION⁴

a. Interviews

COPA interviewed the complainant, Subject 1, on December 26, 2017.⁵ A follow-up phone call was placed to Subject 1 on January 16, 2018.⁶ Subject 1 stated that on October 16, 2017 at approximately 2:00 AM, he was at home when he was awoken by approximately five CPD officers. Subject 1 stated that Officer B had a gun in his face, so Subject 1 pulled the covers over his head. Once Subject 1 moved the covers, Officer B moved the gun closer to Subject 1's face, told Subject 1 not to move, and got Subject 1 out of his bed. Officer B placed Subject 1 in handcuffs and asked if Subject 1 knew about Civilian 4. Per Subject 1, his godmother (Civilian 3) was also escorted down the stairs and the home was searched. Subject 1 related that officers did not produce a warrant. Subject 1 stated he did not ask for a warrant, but his godmother asked Officer A and was denied her request. Subject 1 stated that there was a warrant on the refrigerator once he returned home. Subject 1 stated he was searched without justification and the officers did not have a legal warrant. Subject 1 related that the involved officers (Officers A, B, and C and Detective A) had previously been involved with his family, including the use of derogatory language in May 2015 after Subject 1's godbrother (Civilian 1) was murdered and they threatened the life of another of Subject 1's godbrothers (identified as Civilian 2).⁷

According to Subject 1, \$360 was seized from him during this search. Subject 1 related that after his court date on November 21, 2017, he spoke with someone in the Seizure Division. The individual told Subject 1 that there was already a hearing date and CPD tried to inform Subject 1 via mail. Subject 1 stated that he never received a notification or anything in the mail. The individual from the Seizure Division then told Subject 1 he needed to speak with someone from the State's Attorney's Office to get his money back. Subject 1 elaborated that after he was released from CPD custody, an officer told him that he should have gotten a receipt at the time of his arrest and the officer gave Subject 1 an inventory receipt. Subject 1 also stated that \$800 was seized from his godmother and never returned. Subject 1 was told his money was forfeited after a hearing in late October 2017. However, Subject 1 could not recall the exact date.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Att. 6

⁶ Att. 19

⁷ A sampling of press related to Civilian 1 and Civilian 2 can be found in Att. 21.

COPA interviewed witness Officer D on January 23, 2018.⁸ Officer D related that he was not personally familiar with Subject 1 but had heard his name before. According to Officer D his team had previously executed a search warrant at XXXX W. Albion, but he was not present. Officer D stated he had been at XXXX W. Albion a “handful of times.”

COPA interviewed witness Detective B on January 24, 2018.⁹ Detective B was aware of the XXXX family but he did not recall Subject 1. Detective B recalled Civilian 1 and was aware Civilian 1 is deceased. Detective B did not recall being at XXXX W. Albion shortly after Civilian 1 death. Detective B did not recall any officers making derogatory comments to the XXXX family following Civilian 1’s death. Detective B stated there had been multiple calls for service at XXXX W. Albion so he had been there before, but did not remember when or any specific details.

COPA interviewed accused Officer C on January 31, 2018.¹¹ Officer C recalled Civilian 1, whom the officer had met on multiple occasions and arrested at least once. Officer C was aware Civilian 1 is deceased. Officer C related that the “XXXX brothers were always being looked at,” and were known as gang members by his tactical unit. Officer C did not specifically know who Civilian 2 was, but he is aware of Civilian 4. Officer C remembered being at XXXX W. Albion on at least two occasions in 2015, including around the time of Civilian 1’s death. Officer C recalled “a lot” of civilians being present and that Civilian 1 was wanted for a shooting around the time. Officer C reported that civilians came and formed a barrier around the yard when officers arrived to keep officers from coming close. Officer C stated the officers were being yelled at from “the moment” they arrived. Officer C denied mocking Civilian 1’s death or threatening another XXXX brother. Officer C acknowledged that there can be hostility between CPD and families in Chicago, but Officer C related he and his team were respectful. Officer C specifically related that when he was at XXXX W. Albion after Civilian 1’s death, Detective A got a hug from Civilian 3. The hug appeared to trigger civilians retreating to the house and the officers leaving. Officer C did not know what Detective A and Civilian 3 spoke about. Officer C stated he has never seen his teammates being disrespectful to the XXXX family. Officer C recalled arresting Subject 1 at XXXX W. Albion on a subsequent date.

COPA interviewed accused Detective A on March 14, 2018.¹² Detective A stated that on May 29, 2015, he was working on a tactical team in the 24th District. Detective A recalled being at XXXX W. Albion after Civilian 1’s death, but was uncertain of the exact date. Detective A responded to a disturbance call at this address.¹³ When he arrived, Detective A observed multiple officers and approximately 40 - 50 civilians. Detective A stated that during this incident, he spoke with Civilian 1’s mother Civilian 3). Civilian 3 was reportedly upset about her son’s death, yelled at the detective, told Detective A he was right about Civilian 1’s lifestyle, and she eventually hugged Detective A. Detective A also apologized to Civilian 3 about Civilian 1’s death. Detective A did not recall hearing any officers shouting at civilians. Detective A denied making fun of Civilian 1’s death or threatening Civilian 2.

⁸ Att. 26

⁹ Att. 28

¹⁰ Detective B was a police officer at the time of Subject 1’s May 2015 allegations.

¹¹ Att. 30

¹² Att.35

¹³ COPA was unable to locate this call for service through available means.

Detective A also spoke to Civilian 3 on a previous occasion, before Civilian 1's death. Detective A was not certain on what date this occurred. Detective A said on this earlier occasion, he told Civilian 3 that Civilian 1 had been targeted in shootings before and he warned her that Civilian 1 could be killed. Detective A did not know who Subject 1 is. Detective A was not present on October 16, 2017 during a search warrant at XXXX W. Albion. Detective A was aware of who Civilian 4 is and he had heard Civilian 2's name before, but did not know who he was.

COPA interviewed accused Officer B on March 14, 2018.¹⁴ Officer B recalled being at XXXX W. Albion on May 29, 2015 and responding to a disturbance. Officer B was aware that this was Civilian 1's home and that Civilian 1 had recently been shot and killed. Officer B stated there was a group of approximately 10 - 15 civilians outside the home when he arrived. Officer B recalled screaming and yelling from civilians on scene. Officer B did not personally speak to civilians on scene. Officer B denied that officers were agitated, but stated the civilians seem agitated by the police presence. However, Officer B could not hear specifically what civilians were saying to the police. Officer B recalled that Civilian 3 was in a conversation with Detective A on this date. Civilian 3 appeared upset and Detective A was calm. Officer B denied mocking Civilian 1's death, hearing any officers commenting on Civilian 1's death, or threatening Civilian 2's life. Officer B related he does not know who Civilian 2 is. Officer B did not know who Subject 1 was in May 2015, but stated he subsequently interacted with Subject 1 during an October 16, 2017 search warrant at XXXX W. Albion. Officer B reported that during the search warrant, Subject 1 was placed into custody by another officer. Officer B recalled that Subject 1 was calm during the search warrant. Officer B stated that Civilian 4 was the target of the October 16, 2017 search warrant.

b. Digital Evidence

No relevant digital evidence was identified pertaining to Log #1087930.

c. Physical Evidence

No relevant physical evidence was identified pertaining to Log #1087930.

d. Documentary Evidence

Subject 1's Arrest Report from October 16, 2017 was obtained with RD #XXXXXX.¹⁵ Subject 1 was arrested for manufacture/delivery of 2.5 – 10 grams of cannabis. Per this report, members of "the XXXX team executed a search warrant" at XXXX W. Albion. The arresting officers announced their office and the door was open, so they gained entry without having to breach the door. Subject 1 and Civilian 3 were found in the upstairs bedrooms.¹⁶ A digital scale, "three clear [...] baggies with a green leafy substance," and \$360 were found in Subject 1's bedroom. Subject 1 was arrested and taken to the 24th District.

¹⁴ Att. 40

¹⁵ Att. 11

¹⁶ Civilian 3's arrest report from October 16, 2017 with RD #XXXXXX can be found in Att. 17.

A Detective Supplementary Report was identified for RD #XXXXXX that contained similar content to Subject 1's Arrest Report.¹⁷

A Search Warrant was identified related to the **October 16, 2017 search of XXXX W. Albion.**¹⁸ The object of the warrant was seizing, "pistols, and any and all contraband, including firearms, ammunition, and any documents indicating residency." The affiant for the search was Officer A. The warrant was executed at 2:14 AM. Multiple items were inventoried, including ammunition and proof of Civilian 4's residency.

Inventory Sheets were obtained that included the **\$360 seized from Subject 1 on October 16, 2017.**¹⁹ The money was found by Officer B and held for investigation by Officer A. Officer C inventoried the money on October 16, 2017. There was a court date on November 21, 2017, in which it was determined that the \$360 would be deposited.

e. Additional Evidence

On December 22, 2017, the **Office of the Inspector General** (OIG) forwarded **Subject 1's complaint** to COPA.²⁰ OIG related that Subject 1 submitted his complaint to them on November 27, 2017. Subject 1 told OIG that he was arrested at XXXX W. Albion at approximately 2:00 AM on October 16, 2017. Subject 1 alleged that he was illegally searched and arrested. Subject 1 also claimed that an officer took \$360 from Subject 1 without a warrant. Subject 1 related he was not given a receipt for this money until after he was released, which he believed he should have been given at the time of his arrest. According to Subject 1, once at the police station at XXXX and Western, he was told he was arrested for possession and delivery of over ten grams of narcotics. Subject 1 stated that the charges against him were dropped following an October 20, 2017 hearing and his money was never returned. Subject 1 later called the Secretary of State's Office and was told that there was a hearing about his money on October 25, 2017 and that Subject 1's money was forfeited. Subject 1 alleged that he was never notified about the hearing due to CPD error.

On January 17, 2018, COPA telephoned the **Cook County State's Attorney's Office (CCSAO) Asset Forfeiture Unit.**²¹ A representative related to COPA that the CCSAO sent Subject 1 a notice on November 17, 2017. Subject 1 had scheduled an appointment with a CCSAO attorney, but he did not attend the meeting. The CCSAO reported that Subject 1 was given 45 days to put in a claim for his property and the 45 days ended on January 31, 2018. Subject 1's notice was sent to XXXX W. Albion.

VI. ANALYSIS

COPA recommends a finding that allegation #1 against Officer A, Officer B, and Officer C be Not Sustained.

¹⁷ Att. 13

¹⁸ Att. 14

¹⁹ Atts 5, 18

²⁰ Att. 4

²¹ Att. 24

COPA recommends a finding that allegation #1 against Detective A be Unfounded.

With the exception of Detective A, there is no evidence as to whether officers at XXXX W. Albion engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Subject 1 and threatening the life of Subject 2. The officers acknowledged being present at XXXX W. Albion shortly after death, but all denied engaging in an unjustified verbal altercation with Subject 1 and the XXXX family. In Detective A case, both Officer B and Officer C recalled Detective A engaging in a respectful conversation with Civilian 3. Detective A himself acknowledged his encounter with Civilian 3. Available evidence indicates that Detective A was not a part of an unjustified verbal altercation. In fact, evidence suggests it was actually the opposite and that Detective A was supportive of Civilian 3. As for Officers A, B, and C, there is not enough evidence to determine whether or not Subject 1's allegation is true or false. That being said, the death of Civilian 1 was likely a traumatic event for Subject 1 and his family. As stated by Officer B and Officer C, civilians present at XXXX W. Albion were yelling at the officers and making it clear the officers were not welcome. In a heightened emotional state, it is possible it felt like the officers were being intrusive and disrespectful. Additionally, Detective A acknowledged that on a previous instance, he warned Civilian 3 about Civilian 1's lifestyle and that she told Detective A he was right after her son's death. Again, in a heightened emotional state that conversation could have felt differently to Subject 1 and he could have perceived it differently than Detective A did.

COPA recommends a finding that allegations #2 - 5 against Officer A, that he entered Subject 1's home without a warrant, arrested Subject 1 without justification, searched the residence without justification, and refused to show a search warrant to Civilian 3, be Unfounded.

COPA recommends a finding that allegations #2 – 3 against Officer B, that he pointed a gun at Subject 1 without justification, and arrested Subject 1 without justification, be Unfounded.

Subject 1 claims that officers entered his home without a warrant, however the officers were executing warrant number XXXXXX issued by Judge A on October 16, 2017 at 12:15 AM for XXXX W Albion Ave. The subject of the warrant was to "seize pistols, and any and all contraband, including firearms, ammunition, and any documents indicating residency." The U.S. Supreme Court holds that while executing a search warrant, officers are allowed to detain, including handcuffing, all occupants in the immediate vicinity of the premises. See Michigan v. Summers, 452 U.S. 1981; Muehler v. Mena, 544 U.S. 93 (2005). Officer B pointed a gun at Subject 1 while executing a valid search warrant, the Supreme Court has routinely held that having guns drawn on occupants during the execution of a search warrant where the subject of the warrant is for guns, drugs or violent crimes is objectively reasonable. See Muehler v. Mena, 544 U.S. 93 (2005), Baird v. Renbarger 576 F.3d. 340 (7th Cir. 2009). Furthermore, as officers were seeking contraband and proof of residency, they were able to look in drawers, containers, bags, etc. and a search of the home was well within the scope of this warrant. When officers discovered cannabis and money in Subject 1's room, this established sufficient probable cause to arrest Subject 1.

Finally, Illinois Statute 725 ILC 5/108 06 establishes that, "If the warrant is executed the duplicate copy shall be left with any person from whom any instruments, articles or things are seized or if no person is available the copy shall be left at the place from which the instruments,

articles or things were seized.” Moreover, CPD Special Order S04-19 reads, “a member of the search team will promptly present a copy of the Search Warrant to the person named in the warrant.” As stated by officers involved in this search, Civilian 4 was the target of the warrant and he was not present at the time of execution. Subject 1 admitted that a copy of the search warrant was left on the fridge at XXXX W. Albion, fulfilling the requirement to produce a search warrant. A copy could not be left with Subject 1 or Civilian 3 at the time of execution, as both individuals were taken into custody. Therefore, all allegations related to the execution of the warrant are Unfounded.

COPA recommends that allegation #6 against Officer A and allegation #4 against Officer B be Exonerated.

The \$360 seized from Subject 1 was submitted to the courts, as prescribed by law. Per CPD Special Order S04-19, “The recovering officer will request the prosecuting attorney obtain a court order when necessary, to [...] have the seized property impounded by the court and turned over to the court clerk pending final disposition; or [...] return the seized property to its legal owner.” Officer B was named as the recovering officer in the Inventory Sheets for Subject 1’s recovered property and Officer A was provided as the investigating officer. The property was held for investigation with a court date on November 21, 2017. Per a telephone call with the Cook County State’s Attorney Asset Forfeiture Unit, they had possession of the \$360 and Subject 1 was given 45 days to make a claim for his property through the proper legal channel. While the officers did not return the money to Subject 1, they were following CPD procedure, once the property was sent to CCSAO for adjudication of civil asset forfeiture the CPD no longer had jurisdiction. Therefore, the claim that Officers A and B failed to return Subject 1’s \$360 is Exonerated.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	<ol style="list-style-type: none">Engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Civilian 1 and threatening the life of Civilian 2, in violation of Rule 2, Rule 8, and Rule 9.Entered Subject 1’s home without a warrant, in violation of Rule 2 and Rule 6.Arrested Subject 1 without justification, in violation of Rule 6 and Rule 8.Searched the residence without justification, in violation of Rule 2 and Rule 6.	<p>Not Sustained</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

	<p>5. Refused to show a search warrant to Civilian 3, in violation of Rule 2, Rule 6, and Rule 8.</p> <p>6. Failed to return \$360 belonging to Subject 1, in violation of Rule 2 and Rule 6.</p>	Unfounded Exonerated
Officer B	<p>1. Engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Civilian 1 and threatening the life of Civilian 2, in violation of Rule 2, Rule 8, and Rule 9.</p> <p>2. Pointed a gun at Subject 1 without justification, in violation of Rule 6 and Rule 9.</p> <p>3. Arrested Subject 1 without justification, in violation of Rule 6 and Rule 8.</p> <p>4. Failed to return \$360 belonging to Subject 1, in violation of Rule 2 and Rule 6.</p>	Not Sustained Unfounded Exonerated
Officer C	<p>1. Engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Civilian 1 and threatening the life of Civilian 2, in violation of Rule 2, Rule 8, and Rule 9.</p>	Not Sustained
Detective A	<p>1. Engaged in an unjustified verbal altercation with Subject 1 and his family, including mocking the death of Civilian 1 and threatening the life of Civilian 2, in violation of Rule 2, Rule 8, and Rule 9.</p>	Unfounded

Approved:

Deputy Chief Administrator – Chief Investigator A

Date

Appendix A**Assigned Investigative Staff**

Squad#:	XXX
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A